

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 12-20298

v.

Hon. John Corbett O'Meara

D-1 DONALD CLIFTON ALLEN, JR.,

Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION FOR RECONSIDERATION**

Before the court is Defendant's motion for reconsideration of this court's September 4, 2014 order denying his motion to suppress. The standard for granting a motion for reconsideration is as follows:

Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration which merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant shall not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case.

LR 7.1(h)(3).

In denying Defendant's motion to suppress, the court found that Defendant did not have a legitimate expectation of privacy in the bedroom where he stayed at

Yun Hindy's home. Defendant suggests that the court based its decision on the fact that Hindy "evicted" him and that he was no longer legitimately on the premises. Defendant argues that, because Hindy did not formally begin eviction procedures under Michigan law, he was legitimately on the premises at the time of the search. The primary basis for the court's decision, however, was that Defendant did not take normal precautions to maintain his privacy. See Opinion & Order at 5. Even if Defendant could be said to be legitimately on the premises, his actions in allowing third parties to be present (along with Nelson, whom he had known for a short period of time) while he was away is completely inconsistent with an expectation of privacy.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion for reconsideration is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: October 1, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, October 1, 2014, using the ECF system.

s/William Barkholz  
Case Manager